

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL STEPHEN KELLER,

Plaintiff,

v.

KATHLEEN ALISON, et al.,

Defendants.

No. 1:21-cv-01707-JLT-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. 1, 9, 15)

Paul Keller is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 28, 2022, the assigned magistrate judge entered findings and recommendations, recommending “that all claims and defendants be dismissed, except for Plaintiff’s Eighth Amendment conditions of confinement claim against defendants Doe 1, Degough, and Doe 2.” (Doc. 15 at 2.) The findings and recommendations incorporate by reference the reasoning of the earlier screening order which found that Plaintiff’s complaint fails to allege that supervisory Defendants Alison or MaComber had knowledge of the condition of confinement (contaminated water) about which Plaintiff complains. (Doc. 9 at 15.)

The court provided Plaintiff an opportunity to file objections to the findings and

1 recommendations. Despite notifying the court that he wants to proceed only with his Eighth
2 Amendment conditions of confinement claim against defendants Doe 1, Degough, and Doe 2,
3 (Doc.13), plaintiff filed objections and a separate document entitled “Wider Scope of
4 Objections,” (Doc. Nos. 18 & 19).

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
6 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
7 court finds the findings and recommendations to be supported by the record and proper analysis.
8 Plaintiff’s objections do not meaningfully undermine the findings and recommendations. In
9 particular, he does not point to any non-conclusory allegations that Defendants Alison and
10 MaComber possessed the requisite knowledge. Accordingly,

- 11 1. The findings and recommendations issued on January 28, 2022, (Doc. No. 15), are
12 adopted in full.
- 13 2. All claims and defendants are dismissed, except for Plaintiff’s Eighth Amendment
14 conditions of confinement claim against defendants Doe 1, Degough, and Doe 2.
- 15 3. The Clerk of Court is directed to reflect the dismissal of defendants Kathleen
16 Alison and Jeff MaComber on the court’s docket.

17 IT IS SO ORDERED.

18 Dated: February 14, 2022


JENNIFER L. THURSTON
UNITED STATES DISTRICT JUDGE

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